

HOUSE BILL REPORT

HB 2663

As Passed Legislature

Title: An act relating to use of respectful language in the Revised Code of Washington and the Washington Administrative Code.

Brief Description: Requiring use of respectful language in the Revised Code of Washington regarding individuals with disabilities.

Sponsors: By Representatives Haigh, Armstrong, McCoy, Holmquist, O'Brien, Boldt, Morrell, Jarrett, Wallace, Delvin, Moeller, Priest, Darneille, Conway, D. Simpson, Kagi, Hunter, Clements, Wood, Sullivan, Dickerson, G. Simpson, Hunt, Skinner, Cody, Ormsby, Chase, Hankins, Pettigrew, Kenney, Tom, Nixon, Kessler, Miloscia, Linville, Romero, Roach and Hudgins.

Brief History:

Committee Activity:

State Government: 2/6/04 [DP].

Floor Activity:

Passed House: 2/12/04, 95-0.

Passed Senate: 3/11/04, 48-0.

Passed Legislature.

Brief Summary of Bill

- Instructs the Code Reviser to refrain from using specific offensive or demeaning terms in language of new and revised laws in reference to individuals with disabilities.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass. Signed by 9 members: Representatives Haigh, Chair; Miloscia, Vice Chair; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt, McDermott, Nixon, Tom and Wallace.

Staff: Matt Kuehn (786-7291).

Background:

The Revised Code and the Washington Administrative Code both contain extensive references to various individuals with disabilities. With the exception of language used as a specific term

of art for purposes of the criminal code and criminal sentencing, these references are generally not essential to describing the circumstances of the particular individual.

Most recent legislation has adopted terms that emphasize the individuality of people, no matter what their physical characteristics. Older legislative language utilized terms appropriate to the moment, some of which are neither appropriate nor specifically necessary for the law.

Summary of Bill:

The Code Reviser is directed to avoid references to certain words that are frequently used to describe individuals with disabilities. The specific terms are: disabled; developmentally disabled; mentally disabled; mentally ill; mentally retarded; handicapped; cripple; and crippled.

These terms are to be avoided in future laws as well as replaced in existing statutes as those statutes are amended by law. The replacement terms are: individuals with disabilities; individuals with developmental disabilities; individuals with mental disabilities; individuals with mental illness; and individuals with mental retardation.

While the terms used are generally replaceable with contemporary terms, the use of "mentally retarded" is used as a term of art and is specifically defined in RCW 10.95.030, which concerns sentencing for aggravated murder. 71A.10 RCW is an entire chapter discussing developmental disabilities, and RCW 71A.10.20 specifically defines "developmental disabilities." This definition is used in 10.77 RCW, the chapter concerning procedures for the criminally insane.

Agency orders must also reflect the changes in language. A new section in the Administrative Procedure Act, 34.05 RCW, compels agencies to use respectful language in creating new rules or amending old rules.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: The bill is fully supported by individuals with disabilities. It helps end the "label game." Language alterations help to break down barriers. Physical disabilities are not handicaps, but negative attitudes are debilitating. "People first" language is important and removes the stigma of labeling. There are over 1 million individuals with disabilities in the state. The change in language is a demonstration of good government. The term handicapped is disparaging to individuals with disabilities.

Testimony Against: None.

Persons Testifying: Representative Haigh, prime sponsor; Tami Davis and Brad Young, People First of Washington; George Adams and Wayne Tachel, Self Advocates in Leadership; Dwayne Canfield, ARC of Grays Harbor; Scott and Mae Boettcher; and Skip Dreps, Northwest Chapter, Paralyzed Veterans of America.

Persons Signed In To Testify But Not Testifying: None.